



TMH/SLK:dm 07/14/04 292465

PATENT  
Atty. Ref. No. 6947-67206-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Brown et al.  
Application No. 09/117,218  
Filed: January 11, 1999  
Confirmation No. 3436  
For: TREATMENT OF NON-NEURONAL  
CANCER USING HSV-1 VARIANTS  
Examiner: Quang Nguyen, Ph.D.  
Art Unit: 1636  
Attorney Reference No. 6947-67206-01

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Attorney  
for Applicant(s)

Date Mailed

*[Signature]*  
*March 2, 2005*

POWER OF ATTORNEY BY ASSIGNEES  
(REVOCATION OF PRIOR POWERS)

COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

THE TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA, THE WISTAR INSTITUTE, AND THE UNIVERSITY COURT OF THE UNIVERSITY OF GLASGOW are the Assignees of an undivided interest in the entire right, title and interest in the above-identified patent application, as evidenced by the Assignments attached hereto.

The Assignees hereby revoke any prior powers of attorney for this matter, and appoint as their representatives to conduct all business in the Patent and Trademark Office connected therewith, the attorneys and agents of the law firm of Klarquist Sparkman, LLP, associated with **Customer Number 24197**, 121 SW Salmon Street, Suite 1600, Portland, Oregon 97204.

Please address all future correspondence to the address associated with **Customer Number 24197**, which address is:

Klarquist Sparkman, LLP  
121 S.W. Salmon Street, Suite 1600  
Portland, OR 97204

Address all telephone calls to Sherce Lynn Rybak, Ph.D. at telephone number  
(503) 226-7391.

The undersigned is authorized to sign this Power of Attorney by Assignee on behalf of The  
University Court of the University of Glasgow.

Executed at x GLASGOW on the 26 day of July, 2004.

The University Court of the University of Glasgow

By x Ian Brennan  
Name x Ian Brennan  
Title x Acting Secretary of Court

The undersigned is authorized to sign this Power of Attorney by Assignee on behalf of The  
Wistar Institute.

Executed at Philadelphia on the 30 day of September, 2004.

The Wistar Institute

By Russel Klautman  
Name Russel Klautman MD  
Title President and C.E.O.

The undersigned is authorized to sign this Power of Attorney by Assignee on behalf of The  
Trustees of the University of Pennsylvania.

Executed at \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 2004.

The Trustees of the University of Pennsylvania

By \_\_\_\_\_  
Name \_\_\_\_\_  
Title \_\_\_\_\_

## ASSIGNMENT

In consideration of the sum of One Dollar (\$1.00) or equivalent and other good and valuable consideration paid to each of the undersigned: Bruce Randazzo the undersigned hereby sell(s) and assign(s) to The Trustees of the University of Pennsylvania, a non-profit corporation organized and existing under the laws of the Commonwealth of Pennsylvania having its principal place of business at 3700 Market Street, Suite 300, Philadelphia, Pennsylvania 19104-3147 (the Assignee) his/her/their entire right, title and interest

check applicable box(es) ☒ for the United States of America (as defined in 35 U.S.C. § 100),  
☒ and throughout the world,

in the invention(s) known as Treatment of Non-Neuronal Cancer Using HSV Mutant for which application for patent under the Patent Cooperation Treaty has been executed by the undersigned on March 11, 1997 (also known as PCT Application No. PCT/GB97/00232, filed January 27, 1997), in any and all applications thereon, in any and all Letters Patent(s) therefor, and in any and all reissues, extensions, renewals, reexaminations of such applications or Letters Patent(s) and divisionals and the continuing applications thereof to the full end of the term or terms for which such Letters Patent(s) issue, such entire right, title and interest to be held and enjoyed by the above-named Assignee to the same extent as they would have been held and enjoyed by the undersigned had this assignment and sale not been made.

The undersigned agree(s) to execute all papers necessary in connection with the application(s) and any continuing, divisional, reissue, reexamination or corresponding application(s) thereof and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient.

The undersigned agree(s) to execute all papers necessary in connection with any interference that may be declared concerning the application(s) or any continuing, divisional, reissue or reexamination application thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference.

The undersigned hereby represents that undersigned has (they have) full right to convey undersigned entire interest herein assigned, and that undersigned has (they have) not executed, and will not execute, any agreement in conflict therewith.

The undersigned hereby grant(s) Evelyn H. McConathy, Esquire, Registration No. 35,279 of the University of Pennsylvania, Center for Technology Transfer 3700 Market Street, Suite 300, Philadelphia, Pennsylvania 19104, power to insert in this assignment any further identification that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office or Patent Cooperation Treaty for recordation of this document.

IN WITNESS WHEREOF, executed by the undersigned on the date(s) opposite their name(s).

Date: 10/5/98 Signature of Inventor: Bruce Randazzo

STATE OF PENNSYLVANIA:

SS

COUNTY OF PHILADELPHIA:

On this 5th day of October, 1998, understood by me Sherry L. Salvatore  
Appeared the above named Bruce Randazzo

[ ] personally known to me -OR- [ ] proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, execute the instrument.

WITNESS my hand and official seal.

Signature Sherry L. Salvatore (Seal)

SHERRI LYNN SALVATORE  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires Dec. 21, 2000

# ASSIGNMENT

In consideration of the sum of One Dollar (\$1.00) or equivalent and other good and valuable consideration paid to each of the undersigned: Steven Albelda, Larry Kaiser, John Kucharczuk and Bruce Randazzo the undersigned hereby sell(s) and assign(s) to The Trustees of the University of Pennsylvania, a non-profit corporation organized and existing under the laws of the Commonwealth of Pennsylvania having its principal place of business at 3700 Market Street, Suite 300, Philadelphia, Pennsylvania 19104-3147 (the Assignee) his/her/their entire right, title and interest

check applicable box(es) ☒ for the United States of America (as defined in 35 U.S.C. § 100),  
☒ and throughout the world,

in the invention(s) known as Treatment of Non-Neuronal Cancer Using HSV Mutant for which application for patent under the Patent Cooperation Treaty has been executed by the undersigned on March 31, 1997 (also known as PCT Application No. PCT/GB97/00232, filed January 27, 1997), in any and all applications thereon, in any and all Letters Patent(s) therefor, and in any and all reissues, extensions, renewals, reexaminations of such applications or Letters Patent(s) and divisionals and the continuing applications thereof to the full end of the term or terms for which such Letters Patent(s) issue, such entire right, title and interest to be held and enjoyed by the above-named Assignee to the same extent as they would have been held and enjoyed by the undersigned had this assignment and sale not been made.

The undersigned agree(s) to execute all papers necessary in connection with the application(s) and any continuing, divisional, reissue, reexamination or corresponding application(s) thereof and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient.

The undersigned agree(s) to execute all papers necessary in connection with any interference that may be declared concerning the application(s) or any continuing, divisional, reissue or reexamination application thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference.

The undersigned hereby represents that undersigned has (they have) full right to convey undersigned entire interest herein assigned, and that undersigned has (they have) not executed, and will not execute, any agreement in conflict therewith.

The undersigned hereby grant(s) Evelyn H. McConathy, Esquire, Registration No. 35,279 of the University of Pennsylvania, Center for Technology Transfer 3700 Market Street, Suite 300, Philadelphia, Pennsylvania 19104, power to insert in this assignment any further identification that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office or Patent Cooperation Treaty for recordation of this document.

IN WITNESS WHEREOF, executed by the undersigned on the date(s) opposite their name(s).

Date: 9/18 Signature of Inventor: St Albelda  
Date: 9/29/98 Signature of Inventor: Larry Kaiser  
Date: 10/28/98 Signature of Inventor: John Kucharczuk  
Date: \_\_\_\_\_ Signature of Inventor: \_\_\_\_\_

STATE OF PENNSYLVANIA:

SS

COUNTY OF PHILADELPHIA:

On this 28<sup>th</sup> day of October 1998, understood by me, Elsie J. Williams  
Appeared the above named Steven Albelda, Larry Kaiser, John Kucharczuk and Bruce Randazzo

[ ] personally known to me -OR- [X] proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, execute the instrument.

WITNESS my hand and official seal.

Signature Elsie J. Williams (Seal)

## ASSIGNMENT

WHEREAS, I, NIGEL WILLIAM FRASER, a citizen of the United Kingdom, residing at 546 Prescott Road, Merion Station, Pennsylvania 19066, am a co-inventor of certain new and useful improvements in the *Treatment of Non-Neuronal Cancer Using HSV Mutant* for which an application for Letters Patent of the United States was filed on 24 July 1998 and was accorded serial number 09/117,218;

WHEREAS, The Wistar Institute, a nonprofit corporation duly organized under the laws of Pennsylvania, having a place of business at 3601 Spruce Street, Philadelphia, Pennsylvania 19104, hereinafter referred to as Assignee, is desirous of acquiring my interest in the aforesaid invention and any and all Letters Patent of the United States or any foreign country that may be granted therefor;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, I, NIGEL WILLIAM FRASER, hereby assign and transfer unto The Wistar Institute, its successors, legal representatives, and assigns, my entire right, title, and interest as a co-inventor in and to the aforesaid invention as described in the application and in and to any Letters Patent of the United States or any foreign country which may be granted therefor;

AND I HEREBY authorize and request the Commissioner of Patents and Trademarks or any other proper officer or agency of any country to issue all said Letters Patents to said Assignee;

AND I HEREBY warrant and covenant that I have full right to convey the entire interest herein assigned and that I have not executed and will not execute any instrument or assignment in conflict herewith;

AND I HEREBY agree to communicate to the Assignee or its representatives any facts known to me respecting said Invention, to execute all divisional, continuation, continuation-in-part, reissue, and foreign applications, sign all lawful documents and make all rightful oaths relating to said invention, and to testify in any judicial or administrative proceeding and generally do everything possible to aid the Assignee to obtain and enforce said Letters Patent in the United States or any foreign country when requested so to by the Assignee.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 07 day of AUGUST, 2002.


  
NIGEL WILLIAM FRASER

STATE OF PENNSYLVANIA )

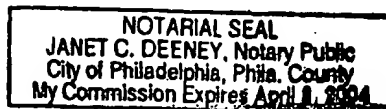
) ss:

County of Philadelphia )

On this 7<sup>th</sup> day of August, 2002, before me a Notary Public in and for the county and state aforesaid, personally appeared NIGEL WILLIAM FRASER, to me known and known to me to be the person of the name who signed and sealed the foregoing instrument, and acknowledged the same to be his free act and deed.

  
Notary Public for Pennsylvania  
My Commission Expires:

SEAL



**ASSIGNMENT OF RIGHTS IN UNITED STATES PATENT APPLICATION**

**Recitals:**

**WHEREAS**

- (1) **SUSANNE MOIRA BROWN** of Neurovirology Research Laboratories, Institute of Neurological Sciences, Southern General Hospital NHS Trust, Glasgow, G51 4TF, United Kingdom
- (2) **ALASDAIR RODERICK MACLEAN** of MRC Virology Unit, Church Street, Glasgow, G11 5JR, United Kingdom

(together/collectively hereinafter referred to as "the Inventors") have invented certain new and useful improvements in: *TREATMENT OF NON-NEURONAL CANCER USING HSV MUTANT* the specification of which was filed as United States Patent Application No.09/117,218, filed in the USPTO 24 July 1998, (hereinafter referred to as "the Application")

**AND WHEREAS THE UNIVERSITY COURT OF THE UNIVERSITY OF GLASGOW** (a body corporate incorporated by Royal Charter) of University Avenue, Glasgow G12 8QQ, Scotland, UNITED KINGDOM, (hereinafter referred to as "the Assignee") is desirous of acquiring the entire right, title and interest, for the United States of America, in and to the Application and the invention and improvements therein disclosed, and any Letters Patent which may issue therefor in the United States of America and all divisionals, continuations, reissues, re-examinations, renewals, and extensions thereof.

**Operative Provisions:**

**NOW THEREFORE** in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged the Inventors hereby **ASSIGNS** absolutely unto the Assignee all their right, title and interest in and to the application and the invention and improvements therein disclosed, for the United States of America, and any patents granted on the Application including any divisionals, continuations

re-issues, re-examinations, renewals, and extensions thereof, and including the right to sue for and recover damages in respect of past infringement, the said interest being the entire ownership of the said Letters Patent when granted, to be held and enjoyed by the Assignee to the full end of the term for which the said Letters Patent may be granted, as fully and entirely as the same would have been held and enjoyed by the Inventors if this assignment had not been made.

And the Inventors authorize and request the Commissioner of Patents to issue the said Letters Patent to the Assignee.

And for the consideration aforesaid, the Inventors agree that the Inventors will, upon request, communicate to the Assignee or the representatives thereof any facts known to the Inventors respecting the invention or improvements of the Application, and will, upon request, but without expense to the Inventors, testify in any legal proceedings, sign all lawful papers, execute all divisional, continuation, reissue, re-examination, renewal and extension applications, and generally do all other and further lawful acts deemed necessary or expedient by the Assignee or by counsel for the Assignee to assist or enable the Assignee to obtain and enforce full benefits from the rights and interests herein assigned.

This assignment shall be binding upon the Inventors' heirs, executors, administrators, successors and assigns, and shall inure to the benefit of administrators, successors and assigns, as the case may be, of the Assignee.

(1) Signature of S. Moira Brown Date: 9/7/02  
SUSANNE MOIRA BROWN

(2) Signature of Alasdair Roderick Maclean Date: 10/7/02  
ALASDAIR RODERICK MACLEAN